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EXAMINER	
ZETTL, MARY E	

ART UNIT	PAPER NUMBER
2875	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/541,444	ENGEL, HARTMUT S.	
	Examiner	Art Unit	
	MARY ZETTL	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 January 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12 and 14-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12 and 14-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 December 2008* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1-11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muggenburg (EP 1 033 530 A2) in view of Jongewaard et al. (US 6,561,670 A) and Martin (EP 0 648 971 A1).

Regarding claim 1, Muggenburg teaches a built-in lamp comprising a bulb (7) and a reflector (3), with a reflector opening disposed in the direction of illumination defining a generally planar direct light discharge region (referring to Figure 1 direct light discharge region is region between the surfaces of item 3 and under item 5) which is surrounded by a generally coplanar diffuse light discharge region (the area under items 21a and 21b; note that the discharge region is considered to extend under and continue and the vertical direction and includes the plane that is parallel to the generally planar direct light region described above; Figure 1) such that scattered light is discharged from the diffuse light discharge region around the direct light discharge region, characterized in that the bulb (7) and the direct light reflector (3) are arranged in a housing (15, 17a, 17b) said housing having a planar inner surface (Figure 1) which overlies the reflector and which forms an additional reflector which reflects at least a portion of light from the bulb to the diffuse light discharge region (the area under 21a and 21b); and a translucent scattering plate (21a and 21b) in the region of the diffuse light discharge region (region under

items 21a and 21b). Muggenburg teaches the lamp being utilized as an installation lamp (paragraph 27 of translation taken from espacenet).

Muggenburg does not disclose expressly a holder for fastening the lamp to an installation surface.

Jongewaard et al. teaches a built-in light including a holder for fastening the lamp to an installation surface (col. 2, lines 63-67).

At the time the invention was made it would have been obvious to one of ordinary skill in the art to have modified the invention of Muggenburg such that a holder for fastening the lamp to an installation surface as taught by Jongewaard et al. was provided since it is well known that in order for the lamp to be installed in a location some form of holder for fastening the lamp must be provided in order to provide protection to the lamp.

Muggenburg teaches plates 21a and 21b spanning the light diffusion region. Muggenburg does not disclose expressly the housing being terminated in at least a largely dust-proof manner by the plates 21a and 21b and furthermore appears to illustrate in figure 1, does not disclose a plate within the opening in the region of the direct light discharge region.

Jongewaard et al. teaches the lamp being terminated in a largely dust-proof manner through the use of a trim that engages plates (col. 4, lines 36-42).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the invention of Muggenburg such that the lamp was terminated in a largely dust-proof manner as taught by Jongewaard et al. such that a separate trim and engaging plate was provided in both the direct light output region and the diffuse light discharge region in order to maximize the life of the lamp by preventing damage due to contaminants.

Muggenburg and Jongewaard et al. do not disclose expressly the direct discharge region having a circular shape, and the diffuse light discharge region being bounded on an inner side by a circular line and on the outer side by a polygonal line or by a further circular line.

Martin teaches a built-in lamp comprising a holder (11 and mating structure) for fastening in an installation surface, a bulb (5) and a reflector (14) with a reflector opening disposed in the direction of illumination defining a direct light discharge region (directly under 14; Figure 1) which is surrounded by a diffuse light discharge region (diffuse due to the fact that light is reflected numerous times including being reflected off of 19 and thus mixed to produce diffuse light) such that scattered light (scattered by reflection off of 19) is discharged from the diffuse light discharge region (below 1) characterized in that the bulb and the direct light reflector are arranged in a housing (3); wherein the direct light discharge region (under 14) has a circular shape and the diffuse light discharge region is bounded on the inner side by a circular line (outer surface of 14) and on the outer side by a polygonal line or by a further circular line (formed by the boundary of 1, paragraph 1).

At the time the invention was made it would have been obvious to one of ordinary skill in the art to have modified light source and the corresponding reflector of Muggenburg and Jongewaard et al. such that their shapes produced a circular shape in the direct discharge region as taught by Martin for the purpose of creating the light output shape desired by the end user and end application.

Regarding claim 2, Muggenburg teaches the direct light discharge region (area under item 5) and the diffuse light discharge region (area under items 21a and 21 b) can be acted on by a common bulb (7).

Regarding claim 3, Muggenburg teaches the reflector opening (5) defining the direct light discharge region and being associated with a direct light reflector (3) on whose side remote from the direct light discharge region (region under item 5) an additional reflector or background reflector (17a, 17b, 15) is provided.

Regarding claim 4, Muggenburg teaches a light passage region formed between the additional reflector (17) and the direct light region (under 3).

Regarding claim 5, Muggenburg teaches the diffuse light discharge region (around 21a and 21b) can only be acted on indirectly by the bulb (7) via the additional reflector (15 and 17a).

Regarding claim 6, Muggenburg teaches the additional reflector being formed at least partly by at least one planar or pre-determinably curved or kinked reflector surface (15 and 17a)which ensures a pre-determinable splitting of the portion of the reflected light directed to the direct light discharge region (under 3) and to the diffuse light discharge region (the area under items 21a and 21 b; Figure 1).

Regarding claim 7, Muggenburg teaches the housing being bounded on all sides (Figure 1).

Muggenburg does not disclose expressly the housing being light-proof and/or dust-proof.

Jongewaard et al. teaches the lamp being terminated in a largely dust-proof manner through the use of a trim that engages plates (col. 4, lines 36-42).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the invention of Muggenburg such that the lamp was terminated in a

largely dust-proof manner as taught by Jongewaard et al. such that a separate trim and engaging plate was provided in both the direct light output region and the diffuse light discharge region in order to maximize the life of the lamp by preventing damage due to contaminants.

Regarding claim 8, Muggenburg teaches the additional reflector (15 and 17a) made to be specularly reflecting and or diffusely reflecting (diffusely reflecting, i.e. causing the light to spread out due to the shape and arrangement of the reflectors shown in Figure 1).

Regarding claim 9, Muggenburg teaches the direct light reflector being made to be specularly reflecting or diffusely reflecting on its inner side (diffusely reflecting; causing light to spread out; paragraph 30).

Regarding claim 10, Muggenburg teaches the direct light reflector (3) being made to be specularly reflecting or diffusely reflecting on its outer side (even though Muggenburg does not specify reflecting properties, it is known that all materials reflect light to a certain extent and in the process of reflecting that light some of the light will be diffused).

Regarding claim 11, Muggenburg teaches the bulb (7) being located inside the direct light reflector (3) and/or between the direct light reflector (3) and the additional reflector (15 and 17a; Figure 1).

Regarding claim 14, Muggenburg teaches an outer polygonal line being a rectangular or square line (to accommodate the elongated light source, 7).

2. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Muggenburg (EP 1 033 530 A2), Jongewaard et al. (US 6,561,670 A), and Martin (EP 0 648 971 A1) and further in view of Dey (US 4,088,883 A).

Regarding claim 12, Muggenburg, Jongewaard et al., and Martin do not disclose expressly the translucent scattering plate and the plate which is in particular transparent plates being made in one piece.

Dey teaches a luminaire including a direct lighting portion (corresponding to 7 as shown in Figure 3) and an indirect lighting portion (around 2). Dey further teaches the direct lighting portions and indirect light portions having translucent scattering plates (2 and 7) and the translucent plates being made in one piece (see Figure 3).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the invention of Muggenburg, Jongewaard et al., and Martin first such that the reflectors corresponding to the direct and indirect lighting regions shared a common plane and then such that the regions shared a common translucent plate as taught by Dey, for the purpose of reducing the cost to manufacture by reducing the number of parts.

3. Claims 15, 16, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muggenburg (EP 1 033 530 A2) in view of Jongewaard et al. (US 6,561,670 A) and Martin (EP 0 648 971 A1) and further in view of Kobayashi et al. (US 5,060,120 A).

Regarding claims 15 and 18, Muggenburg, Jongewaard et al., and Martin do not disclose expressly the direct light reflector being held pivotly in the housing.

Kobayashi et al. teaches a lamp including a direct light reflector (9) that is held pivotly in a housing (see Figure, A showing pivoting).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the invention of Muggenburg, Jongewaard et al., and Martin such that the direct light reflector was held pivotly in a housing as taught by Kobayashi et al. such that the light was most efficiently directed in the desired direction.

Regarding claims 16 and 19, Muggenburg, Jongewaard et al., and Martin do not disclose expressly the direct light reflector being held pivotably in the housing. Kobayashi et al. teaches a lamp including a direct light reflector (9) that is held pivotly in a housing (see Figure, A showing pivoting) and characterized in that a common inclination of the direct light discharge region (area between 9) with another light discharge region (between 1 and 9) is adjustable with respect to an installation surface (6).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the invention of Muggenburg, Jongewaard et al., and Martin such that the direct light reflector was held pivotly in a housing as taught by Kobayashi et al. such that the light was most efficiently directed in the desired direction.

4. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Muggenburg (EP 1 033 530 A2) in view of Jongewaard et al. (US 6,561,670 A) and Martin (EP 0 648 971 A1) and further in view of Koch (DE 2002-1730 U1).

Regarding claim 17, Muggenburg, Jongewaared et al., and Martin do not disclose expressly the direct light reflector being pivotably held in the housing together with the bulb.

Koch teaches a built-in lamp including a direct light reflector (5) being pivotly held in the housing (1) together with the bulb (4).

At the time the invention was made it would have been obvious to one of ordinary skill in the art to have modified the invention of Muggenburg, Jongewaared et al., and Martin such that the direct light reflector was pivotably held in the housing with the bulb as taught by Dey such that the light was directed to the area desired by the end user.

Response to Arguments

5. The arguments have been considered, but have not been found convincing. On page 7, it has been argued that in regard to the Muggenburg patent, “the diffuse regions 21a and 21b do not surround the main discharge region.” It is noted that according to Merriam-Webster’s Collegiate Dictionary surround means to extend around the margin or edge of and therefore, the examiner maintains that Muggenburg reads on the invention as claimed. It has also been argued that the direct discharge region and the diffuse light discharge region are not coplanar. It is noted that term "region" must be given its broadest reasonable interpretation and therefore, there are multiple areas that qualify as the diffuse light discharge region including a region that is planar with the direct light discharge region. The examiner also disagree with the statement that the previously cited references do not teach a planar housing surface and that Muggenburg teaches a planar housing as shown in Figure 1.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Zettl whose telephone number is 571-272-6007. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandy O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MZ
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